



~~January 17, 2006 CPC~~  
~~March 21, 2006 CPC~~  
April 26, 2006 BS

STAFF'S  
REQUEST ANALYSIS  
AND  
RECOMMENDATION

06SN0157

M & K Developers, LLC

Matoaca Magisterial District  
Spring Run Elementary, Bailey Bridge Middle and Manchester High School Districts  
West line of North Spring Run Road

REQUEST: Rezoning from Agricultural (A) to Residential (R-12) with Conditional Use Planned Development to permit exceptions to Ordinance requirements.

PROPOSED LAND USE:

A residential subdivision having a maximum of twenty-two (22) lots with a minimum lot size of 6,600 square feet is planned, yielding a density of approximately 2.2 dwelling units per acre.

PLANNING COMMISSION RECOMMENDATION

RECOMMEND APPROVAL SUBJECT TO THE CONDITION AND ACCEPTANCE OF THE PROFFERED CONDITIONS ON PAGES 2 THROUGH 10.

AYES: MESSRS. WILSON, GECKER, BASS AND LITTON.  
ABSENT: MR. GULLEY.

STAFF RECOMMENDATION

Recommend approval for the following reasons:

- A. The proposed zoning and land uses conform to the Upper Swift Creek Plan which suggests the property is appropriate for single family residential use of 2.2 units per acre or less.

- B. The proffered conditions adequately address the impacts of this development on necessary capital facilities, as outlined in the Zoning Ordinance and Comprehensive Plan. Specifically, the needs for roads, schools, parks, libraries and fire stations is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program, and the impact of this development is discussed herein. The proffered conditions mitigate the impact on capital facilities, thereby insuring adequate service levels are maintained and protecting the health, safety and welfare of County citizens.

(NOTE: CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER(S) MAY PROFFER CONDITIONS. THE CONDITIONS NOTED WITH "STAFF/CPC" WERE AGREED UPON BY BOTH STAFF AND THE COMMISSION. CONDITIONS WITH ONLY A "STAFF" ARE RECOMMENDED SOLELY BY STAFF. CONDITIONS WITH ONLY A "CPC" ARE ADDITIONAL CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION.)

#### CONDITION

(STAFF/CPC) The Textual Statement dated January 12, 2006 shall be considered the Master Plan. (P)

#### PROFFERED CONDITIONS

- (STAFF/CPC) 1. Public water and wastewater shall be used. (U)
- (STAFF/CPC) 2. The applicant, subdivider, or assignee(s) shall pay the following, for infrastructure improvements within the service district for the property, to the county of Chesterfield prior to the issuance of a building permit:
- A. \$15,600.00 per dwelling unit, if paid prior to July 1, 2006; or
- B. The amount approved by the Board of Supervisors not to exceed \$15,600.00 per dwelling unit adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2005, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2006.
- C. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law. (B&M)
- (STAFF/CPC) 3. The maximum density of this development shall not exceed twenty two (22) lots. (P)

- (STAFF/CPC) 4. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
- (STAFF/CPC) 5. Direct vehicular access from the property to Spring Run Road shall be limited to one (1) public road. (T)
- (STAFF/CPC) 6. Within sixty (60) days of approval of this request, forty-five (45) feet of right-of-way along the west side of Spring Run Road, measured from the centerline of that part of the roadway immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
- (STAFF/CPC) 7. In conjunction with the development of the initial section, the developer shall:
- A. Construct additional pavement along Spring Run Road at the public road intersection to provide a right and left turn lanes, based on Transportation Department standards.
  - B. Widen/improve the west side of Spring Run Road to an eleven (11) foot wide travel lane, measured from the existing centerline of the road, with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder, and overlaying the full width of the road with one and a half (1.5) inch of compacted bituminous asphalt concrete, with any modifications approved by the Transportation Department, for the entire property frontage, and
  - C. Dedicate free and unrestricted to and for the benefit of Chesterfield County, any additional right-of-way (or easements) required for these improvements. In the event the developer is unable to acquire any "off-site" right-of-way that is necessary for any of these improvements, the developer may request, in writing, that the County acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the developer. In the event the County chooses not to assist the developer in acquisition of the "off-site" right-of-way, the developer shall be relieved of the obligation to acquire the "off-site" right-of-way and shall provide the road improvements within available right-of-way, as determined by the Transportation Department. (T)
- (STAFF/CPC) 8. Manufactured homes shall not be permitted. (P)

- (STAFF/CPC) 9. Sidewalks. Sidewalks shall be provided that facilitate pedestrian access within the development. Generally, sidewalks shall be located on both sides of public roads. (P)
- (STAFF/CPC) 10. Driveways. All private driveways shall be hardscaped. The exact treatment shall be approved at the time of plan review.(P)
- (STAFF/CPC) 11. Street Trees. Street trees shall be provided along both sides of all public roads within the development. (P)
- (STAFF/CPC) 12. Focal Point. A minimum of 0.75 acres of open space shall be provided within the development to provide a “focal point”. Part of the focal point area shall be “hardscaped” and have benches and other amenities that accommodate and facilitate gatherings. A portion of the focal point may include an area devoted to best management/storm water facilities. The focal point shall be developed concurrent with the phase of development that the focal point is intended to serve. (P)
- (STAFF/CPC) 13. Garages. Front loaded garages shall be located no closer to the street than the front façade of the dwelling unit. (P)
- (STAFF/CPC) 14. Buffers. All required buffers shall be located within recorded open space. (P)
- (STAFF/CPC) 15. The minimum gross floor area for one story dwelling units shall be 1700 square feet and dwelling units with more than one story shall have a minimum gross floor area of 1800 square feet. (BI & P)
- (STAFF/CPC) 16. All exposed portions of the foundation of each new dwelling unit shall be faced with brick or stone veneer. Exposed piers supporting front porches shall be faced with brick or stone veneer. (BI & P)
- (STAFF/CPC) 17. The following shall be recorded as deed restrictions in conjunction with the recordation of any subdivision plat:
- A. No lot shall be used except for residential purposes. No business uses (profit or non-profit) including home occupations shall be conducted on the premises. Home occupations may be permitted if approved by the Homeowners’ Association. (P)
  - B. No improvements including, without limitation, a dwelling, accessory structure, or addition such as a carport, driveway, porch, sidewalk, roof, lamp post, fence, garage, or other outbuildings, landscaping, antenna, or similar device, or

change in the exterior color or siding material shall be made, erected, altered, or replaced unless two sets of detailed plans and specifications, including a site plan locating all such improvements and describing exterior finishes (material and color, including roof) have first been submitted to and approved by Declarant in writing.

- C. Declarant reserves unto itself the right and privilege to install gas lines, water lines, sewer lines, storm sewers, electric lines, telephone and telegraph poles, lines and wires, and other utilities and appurtenances in the street and roads of the Subdivision and along the property lines of the Lots, and to grant to other persons, companies, or corporations any or all of such rights and privileges, but the reservation of such rights shall not relieve any grantee from the obligation to pay the usual and customary charges made with respect to his Lot for the installation and/or connection of utilities.
- D. In considering requests for approval of fences and hedges, the following general guidelines will be applied:
- E. No fence shall be permitted in the front yard of any Lot (between the building setback line and street line).
- F. No fence or hedge shall generally be permitted higher than 48 inches of any Lot.
- G. No chain link fences or fences of other materials similar in nature or appearance will be permitted on any Lot.
- H. Declarant may in its absolute discretion waive or modify these guidelines and consider such other criteria as it shall deem appropriate.
- I. No sign of any kind shall be displayed to public view on any Lot, unless first approved in writing by Declarant, except on sign of not more than four (4) square feet advertising the property for sale or rent, or signs used by a the initial construction and sales period.
- J. No use shall be made of any Lot, or any part thereof which constitutes a nuisance or which would adversely affect the value or marketability of other Lots, No stables, swine, sheep, cows, or the like shall be permitted on any Lot. All trash, garbage and/or rubbish shall be kept in sanitary

containers located so as not to be visible from a public street except as necessary for limited times in connection with pickup and removal by disposal services and except during periods of construction.

- K. No driveway, entranceway, or sidewalk shall be constructed on any Lot unless approved as provided in paragraph B.
- L. No swimming pool shall be located nearer to any street line than the rear building line of the dwelling.
- M. No structure of a temporary character or any trailer, tent, barn, or other outbuildings shall be used on any Lot at any time as a residence, either temporarily or permanently.
- N. No trees over six (6) inches in diameter shall be removed from any Lot without the prior written approval of Declarant.
- O. No portable air conditions units will be place in any window of a dwelling or other building if visible from a public street.
- P. Family daycare homes (providing care to more than five (5) children) and group care facilities shall not be permitted.  
(P)
- Q. Except as otherwise provided by applicable law, no exterior television antenna (including "dish" type) or other antennas shall be permitted to extend over five (5) feet above the roofline of any building.
- R. No motor vehicle will be parked on or adjacent to any Lot which does not have a current state license, state inspection sticker, and county license, and no commercial vehicle, such as a school bus, delivery truck, or other large vehicle or equipment will be parked on a street in the subdivision or on any Lot. No recreational vehicle (mobile home, camping trailer, and other similar vehicles) shall be parked on a street in the Subdivision or on a Lot except in a driveway shown on plans that have been approved as provided in Paragraph B.
- S. Any one or more of the covenants or restrictions imposed by paragraphs A through R above may be waived or

modified, in whole or in part, as to the entire Subdivision or and part thereof, by written instrument signed by Declarant and recorded where these restrictions are recorded.

- T. In addition to the foregoing conditions and restrictions, the Lots shall be subject to easements for drainage and utilities, including power and telephone lines, as shown on the plat, and any other easements of record at the time of conveyance of any Lot.
- U. Invalidation of any one of the provisions of these restrictions by judgement, court order, or otherwise shall in no way affect any of the other provisions which shall remain in full force and effect.
- V. Declarant reserves the right to assign and transfer to any person, persons, or entity some or all of its rights provided herein and in such event such transferee shall have and may exercise all such rights to the same extent as if he, they, or it were the Declarant.
- W. Declarant shall have the full right and privilege to enforce all restrictions and conditions contained herein by appropriate proceeding at law for damages and/or in equity for appropriate injunctive relief and restraining orders to prevent violations, or to require violations to be corrected, together with damages sustained including, without limitation, attorneys' fees and costs. In addition, any Owner shall have, after seventy-five percent (75%) or more of the Lots have been conveyed to purchasers other than builders, the right to enforce compliance with these restrictions as provided in this paragraph.
- X. These restrictions shall run with the land and be binding upon any and all succeeding owners, their personal representatives, estates, heirs, devisees, assigns, or successors in interest or any other parties having or taking an interest in or to the Property, or any part thereof, and shall automatically be extended for successive periods of ten (10) years unless otherwise provided in a written instrument executed by the owners of a majority of the Lots in the Subdivision unless a release, waiver, or breach of any one or more of the restrictions contained herein or any part thereof is required or agreed to by a court or governmental authority having jurisdiction over the Property.

- Y. Declarant, as owner of all of the Property subjected to the Declaration, shall, at such time as it deems appropriate, cause to be incorporated under the laws of the Commonwealth of Virginia a non profit corporation to be named "Blank Homeowner's Association" or a similar name (the "Association").
- Z. All Owners shall be members ("Members") of the Association and shall be entitled to one (1) vote, per each Lot owned by them (provided, however, that if a Lot is owned by more than one owner, the owners of such Lot shall be entitled to only one vote between them), on all matters which are required to be decided by a vote of the Members of the Association.
- AA. The Members shall annually elect a five (5) member board of directors (the "Board of Directors") which shall be responsible for operating the Association, provided, however, that until such time as eighty-five percent (85%) of the Lots are owned by persons other than builders of the Declarant, the Board of Directors shall consist of five (5) directors all of whom shall be selected by the Declarant.
- BB. Each year the Board of Directors shall prepare an annual budget (the "Budget") containing an itemization of the expenses, which it anticipates, the Association will incur during the upcoming year to fulfill its responsibilities hereunder. The Budget shall be sent to each owner together with a notice of assessment (the "Annual Assessment") for the owner's pro rata share of the budget, which shall be computed by dividing the total Budget by the number of Lots. Upon receipt of the Annual Assessment, each Owner shall be required to make payment of the same in the manner designated by the Board of Directors.
- CC. In addition to any Annual Assessments, the Association may levy in any assessment year a special assessment (the "Special Assessment") applicable to that year only for the purpose of defraying in whole or in part the cost of any reconstruction, unexpected repair, or replacement of a capital improvement, including the necessary fixtures and personal property related thereto, provided that any such Special Assessment shall have the consent of the Owners of two-thirds (2/3) of the lots.



DD. Any Annual Assessment of Special Assessment (the "Assessments") which is not paid by an Owner within such time as shall be determined by the Board of Directors shall bear interest at a rate per annum determined by the Board of Directors from such date until paid and shall constitute a lien upon the Lot owned by such Member. Such lien shall have priority over all other liens including, without limitation, mortgages, deeds of trust, or any other lien hereafter placed upon any Lot, except a first mortgage of deed of trust securing a loan by a bona fide institutional lender to which such lien shall be subordinate. No Owner may waive or escape liability for the assessments hereunder for any reason. No sale or other transfer shall relieve any owner from liability for any Assessments due nor any Lot from the lien of any Assessments. The amount of any such lien may be enforced by suit or otherwise at the election of the Association and the Owner shall be required to reimburse the Association for all attorneys' fees and expenses incurred in so doing, the amount of which shall also constitute a lien on the Lot as herein provided. Notwithstanding the above, a party who acquires title to a Lot by virtue of the foreclosure of lien secured by a first mortgage of deed of trust to which this lien is subordinate or by a deed or assignment in lieu of foreclosure any liability of lien chargeable to such Lot on account of any period of time prior to such acquisition of title. Said acquiring party shall, however, be bound by the provisions of this Declaration including, without limitation, Assessments effective after said acquisition of title.

EE. The Declarant hereby reserves the right, at Declarant's sole discretion, to add the Additional Land to the property subject to the Declaration of Protective Covenants. (P)

(STAFF/CPC) 18. Open Space. There shall be a minimum of three (3) acres of recorded open space. (P)

(CPC ) 19. A fifteen (15) foot tree preservation strip, exclusive of required yards, shall be maintained along the boundary of the subject property adjacent to Tax ID's 726-666-3362 and 9163, and 727-667-0200. Utility easements shall be permitted to cross this strip in a perpendicular fashion. Any healthy trees that are eight (8) inches in caliper or greater shall be retained within this tree preservation strip except where removal is necessary to accommodate the improvements permitted by the preceding sentence. Any open areas of 100 square feet or greater shall either

be supplemented with plantings in accordance with perimeter landscape "G" requirements of the Ordinance or shall be furnished with a minimum six (6) foot high privacy fence. A plan depicting this planting/fencing requirement shall be reviewed and approved by the Planning Department at time of Tentative Subdivision plan review. (P)

- (STAFF/CPC) 20. An entrance feature shall be designed and installed in such a manner as to discourage recreational vehicular access from the development to the existing utility easement that runs parallel to Spring Run Road. The proposed feature shall be reviewed and approved at the time of tentative subdivision plan review and shall be installed prior to subdivision plat recordation. (P)

### GENERAL INFORMATION

#### Location:

West line of North Spring Run Road, north of Triple Crown Drive. Tax IDs 726-667-5732 and 8727 (Sheet 15).

#### Existing Zoning:

A

#### Size:

10.0 acres

#### Existing Land Use:

Vacant

#### Adjacent Zoning and Land Use:

North, South and West - A; Single family residential  
East - R-12; Single family residential or vacant

### UTILITIES

#### Public Water System:

There is an existing twenty-four (24) inch water line extending along North Spring Run Road, adjacent to this site. The public water system is available to serve this site. The applicant has proffered to use the public water system to serve this development. (Proffered Condition 1)

Per Utilities Department Design Specifications (DS-21), wherever possible, two (2) supply points shall be provided for subdivisions containing more than twenty-five (25) lots.

Public Wastewater System:

There is an existing twenty-one (21) inch wastewater trunk line extending along Spring Run approximately 1,100 feet northwest of this site. An off-site extension will be necessary to serve the proposed development. The applicant has proffered to use the public wastewater system to serve this site. (Proffered Condition 1)

ENVIRONMENTAL

Drainage and Erosion:

The subject property drains to the northwest to a tributary of Swift Creek. There are no known on- or off site-drainage or erosion problems and none are anticipated at this time.

The property is heavily wooded and as such should not be timbered without obtaining a land disturbance permit from the Department of Environmental Engineering. This will insure that proper erosion control devices are in place. (Proffered Condition 4)

Water Quality:

A small creek is located in the rear half of the property. Prior to submitting a tentative subdivision layout, a perennial determination will need to be approved by the Department of Environmental Engineering.

PUBLIC FACILITIES

The need for fire, school, library, park and transportation facilities is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program. This development will have an impact on these facilities.

Fire Service:

The Public Facilities Plan indicates that fire and emergency medical service (EMS) calls are expected to increase forty-four (44) to seventy-eight (78) percent by 2022. Six (6) new fire/rescue stations are recommended for construction by 2022 in the Plan. In addition to the six new stations, the Plan also recommends the expansion of five (5) existing stations. Based on twenty-two (22) dwelling units, this request will generate approximately three (3) calls for fire and emergency medical service each year. The applicant has addressed the impact of this development on fire and EMS facilities. (Proffered Condition 2)

The Clover Hill Fire Station, Company Number 7, and Manchester Volunteer Rescue Squad currently provide fire protection and emergency medical service. When the

property is developed, the number of hydrants, quantity of water needed for fire protection and access requirements will be evaluated during the plans review process.

#### Schools:

Approximately twelve (12) students will be generated by this development. Currently, this site lies in the Spring Run Elementary School attendance zone: capacity - 943, enrollment - 1,297; Bailey Bridge Middle School zone: capacity - 1,562, enrollment - 1,559; and Manchester High School zone: capacity - 1,941, enrollment - 2,467. The enrollment is based on September 30, 2005 and the capacity is as of 2005-2006.

This request will have an impact on schools. There are currently five (5) trailers at Spring Run Elementary and seventeen (17) trailers at Manchester High.

A new elementary school is in the Capital Improvements Plan (CIP) for the fall of 2007 that will provide relief for Spring Run and other schools in the area. A new middle school is in the current CIP and is proposed to open in the fall of 2009 that will provide relief for schools in this area of the county. The new Cosby High School is under construction, and is scheduled to open in the fall of 2006. This school will provide relief for Clover Hill High and Manchester High Schools.

This case, combined with other tentative residential developments and zoning cases in the zones, would continue to push these schools to capacity. This case could necessitate some form of relief in the future. The applicant has addressed the impact of this development on school facilities. (Proffered Condition 2)

#### Libraries:

Consistent with the Board of Supervisors' policy, the impact of development on library services is assessed countywide. Based on projected population growth, the Public Facilities Plan identifies a need for additional library space throughout the County.

Development of property noted in this case could affect either the existing Clover Hill Library or a proposed new facility in the vicinity of Beach and Winterpock Roads. The Plan identifies a need for additional library space in this area. The applicant has addressed the impact of this development on library facilities. (Proffered Condition 2)

#### Parks and Recreation:

The Public Facilities Plan identifies the need for three (3) new regional parks, seven (7) community parks, twenty-nine (29) neighborhood parks and five (5) community centers by 2020. In addition, the Public Facilities Plan identifies the need for ten (10) new or expanded special purpose parks to provide water access or preserve and interpret unique recreational, cultural or environmental resources. The Plan identifies shortfalls in trails and recreational historic sites.

The applicant has offered measures to assist in addressing the impact of this proposed development on these parks and recreation facilities. (Proffered Condition 2)

Transportation:

The property (10 acres) is currently zoned Agricultural (A), and is located on the west side of Spring Run Road just north of the Spring Run Road/Triple Crown Drive intersection. The applicant is requesting rezoning from A to Residential (R-12) and has proffered a maximum density of twenty-two (22) lots (Proffered Condition 3). Based on single-family trip rates, development could generate approximately 260 average daily trips. These vehicles will initially be distributed along Spring Run Road, which had a 2005 traffic count of 7,083 vehicles per day. Based on the current volume of traffic it carries during peak hours, Spring Run Road is at capacity. (Level of Service E)

The Thoroughfare Plan identifies Spring Run Road as a major arterial with a recommended right of way width of ninety (90) feet. The applicant has proffered to dedicate forty-five (45) feet of right of way on the west side of Spring Run Road, measured from the centerline, in accordance with that Plan. (Proffered Condition 6)

Access to major arterials, such as Spring Run Road, should be controlled. The applicant has proffered that direct vehicular access from the property to Spring Run Road will be limited to one (1) public road. (Proffered Condition 5)

The traffic impact of this development must be addressed. The applicant has proffered to: 1) construct additional pavement along Spring Run Road at the public road intersection to provide right and left turn lanes, based on Transportation Department standards; 2) reconstruct Spring Run Road for the entire property frontage to provide an eleven (11) foot wide travel lane, a one (1) foot paved shoulder and a seven (7) foot unpaved shoulder; 3) overlay the full width of the road for the entire property frontage; and 4) dedicate any additional right of way required for these improvements (Proffered Condition 7). Based on Transportation Department standards, it is anticipated that only a right turn lane will be warranted along Spring Run Road; however, a final determination will be made at tentative subdivision plan review.

Area roads need to be improved to address safety and accommodate the increase in traffic generated by this development. Traffic generated by this development will travel along Spring Run Road. Sections of Spring Run Road have little or no shoulders, fixed objects adjacent to the edge of pavement, and poor vertical and horizontal alignments. The applicant has proffered to contribute cash, in an amount consistent with the Board of Supervisors' Policy, towards mitigating the traffic impact of this development. (Proffered Condition 2)

Cash proffers alone will not cover the cost of the road improvements needed in this area. Currently included in the Six-Year Improvement Program is a project that involves reconstructing two substandard curves on Spring Run Road between McEnally Road

and Bailey Bridge Road. Preliminary plans have been developed and VDOT anticipates the project will be under construction in Fall 2007.

At time of tentative subdivision review, specific recommendations will be provided regarding turn lanes, stub road rights-of-way to adjacent properties and the proposed internal street network.

Financial Impact on Capital Facilities:

		PER UNIT
Potential Number of New Dwelling Units	22*	1.00
Population Increase	59.84	2.72
Number of New Students		
Elementary	5.13	0.23
Middle	2.86	0.13
High	3.72	0.17
TOTAL	11.70	0.53
Net Cost for Schools	117,656	5,348
Net Cost for Parks	13,288	604
Net Cost for Libraries	7,687	349
Net Cost for Fire Stations	8,910	405
Average Net Cost for Roads	196,724	8,942
TOTAL NET COST	344,256	15,648

\* Based on a proffered maximum of 22 lots (Proffered Condition 3). Actual number of lots and corresponding impact may vary.

As noted, this proposed development will have an impact on capital facilities. Staff has calculated the fiscal impact of every new dwelling unit on schools, roads, parks, libraries and fire stations at \$15,648 per unit. The applicant has been advised that a maximum proffer of \$15,600 per unit would defray the cost of the capital facilities necessitated by this proposed development. Consistent with the Board of Supervisors' policy, and proffers accepted from other applicants, the applicant has offered cash to assist in defraying the cost of this proposed zoning on such capital facilities. (Proffered Condition 2)

Note that circumstances relevant to this case, as presented by the applicant, have been reviewed and it has been determined that it is appropriate to accept the maximum cash proffer in this case.

## LAND USE

### Comprehensive Plan:

Lies within the boundaries of the Upper Swift Creek Plan which suggests the property is appropriate for single family residential use of 2.2 dwelling units per acre or less.

### Area Development Trends:

Surrounding properties within the immediate vicinity of the subject are zoned Agricultural (A) and are bordered by the developments of Birkdale and Deer Run. It is anticipated that redevelopment of these properties would be consistent with the residential densities recommended by the Plan.

### Density; Lot Size; Dwelling Size; and Architectural Treatment:

Proffered Condition 3 limits the number of lots to twenty-two (22), yielding a density of approximately 2.2 dwelling units per acre. Lot sizes range from 6,600 to 14,800 square feet, with associated reductions in lot width and building setbacks is proposed (Condition 1: Textual Statement).

Proffered Condition 18 commits to a minimum acreage provision for open space. It should be noted that the Ordinance requires that where lot sizes are reduced below 12,000 square feet, an equivalent amount of open space must be provided. This proffered amount would exceed the minimum open space provisions of the Ordinance, should each proposed lot be reduced to the minimum proposed area of 6,600 square feet. This open space is inclusive of proffered focal point.

Other standards include minimum house sizes and architectural treatment. (Proffered Conditions 15 and 16)

### Cluster Standards:

The proffered conditions offered for this cluster project are consistent with those typically required by the Commission and Board of Supervisors on similar projects recently approved. Proffered standards include hardscaped driveways, street trees, sidewalks, focal point and standards for front loaded garages. (Proffered Conditions 9 through 13)

### Entrance Design:

At the request of area property owners regarding the use of the power easement by all terrain vehicles, Proffered Condition 20 was submitted requiring an entrance design to deter such use.

### Buffers and Tree Preservation:

The Ordinance requires buffers along North Spring Run Road. Proffers require that the buffer be provided in open space. (Proffered Condition 14)

Proffered Condition 19 requires the provision of a tree preservation strip along the southern and western property boundaries of the subject property. It has been staff's experience that individual homeowners tend to clear preservation areas included within the boundaries of individual lots. To preserve the integrity of this strip, Proffered Condition 19 should require that these areas be provided in open space.

### Prohibition on Manufactured Homes:

Proffered Condition 8 prohibits the location of manufactured homes on the subject property. The Ordinance would not allow manufactured homes; however, should State legislation ever be adopted that would mandate localities to allow manufactured homes in those districts that allow single family dwellings, depending upon the final language, Proffered Condition 8 may, or may not, have the effect of prohibiting manufactured homes.

### Restrictive Covenants:

The applicant has agreed to record restrictive covenants (Proffered Condition 17). It should be noted that the County would not be responsible for enforcing the restrictive covenants, only that they be recorded. Once recorded, the restrictive covenants may be changed.

## CONCLUSIONS

The proposed zoning and land uses conform to the Upper Swift Creek Plan which suggests the property is appropriate for single family residential use of 2.2 units per acre or less.

Further, the proffered conditions adequately address the impacts of this development on necessary capital facilities, as outlined in the Zoning Ordinance and Comprehensive Plan. Specifically, the needs for roads, schools, parks, libraries and fire stations is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program, and the impact of this development is discussed herein. The proffered conditions mitigate the impact on capital facilities, thereby insuring adequate service levels are maintained and protecting the health, safety and welfare of County citizens.

Given these considerations, approval of this request is recommended.



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## CASE HISTORY

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### Planning Commission Meeting (1/17/06):

At the request of the applicant, the Commission deferred this case to March 21, 2006.

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### Staff (1/18/06):

The applicant was advised in writing that any significant, new or revised information should be submitted no later than January 25, 2006, for consideration at the Commission's March 21, 2006, public hearing.

Also, the applicant was advised that a \$250.00 deferral fee must be paid prior to the Commission's public hearing.

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### Applicant (3/2/06):

Amended proffered conditions were submitted.

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### Staff (3/2/06):

To date, the deferral has not been paid.

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### Applicant (3/3/06 and 3/15/06):

Additional proffered conditions were submitted.

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### Applicant (3/10/06):

The deferral fee was paid.

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### Planning Commission Meeting (3/21/06):

The applicant accepted the recommendation. There was opposition present concerning the impact of the access on adjacent property owners and the design of the lot layout.

On motion of Mr. Bass, seconded by Mr. Gecker, the Commission recommended approval subject to the Condition and acceptance of the proffered conditions on pages 2 through 10.

AYES: Messrs. Wilson, Gecker, Bass and Litton.

ABSENT: Mr. Gulley.

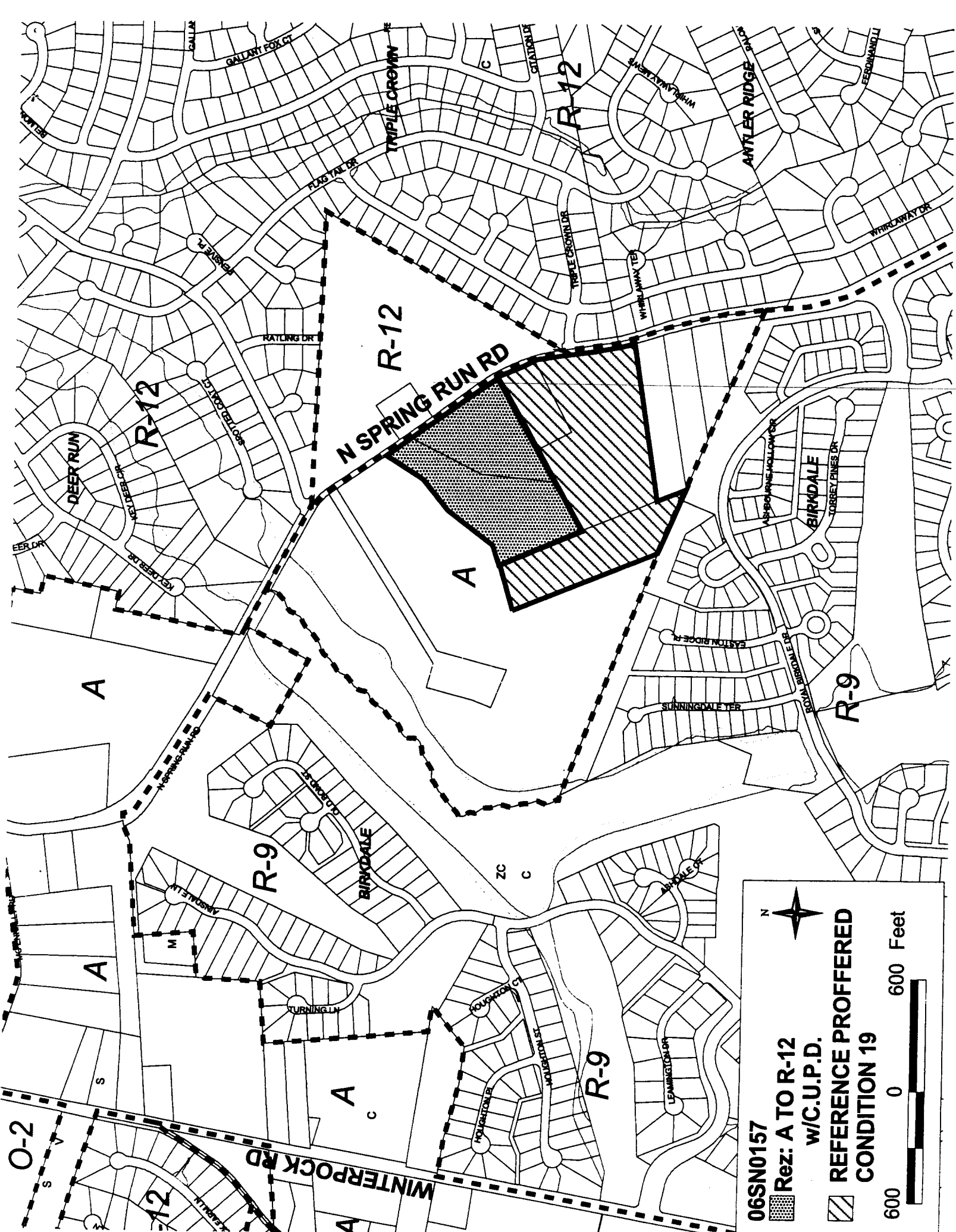
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The Board of Supervisors, on Wednesday, April 26, 2006, beginning at 7:00 p.m., will take under consideration this request.

Textual Statement  
M & K Developers LLC  
Case No.: 06SN0157  
~~October 10, 2005~~  
January 12, 2006

We hereby request the following "bulk exceptions" to the required conditions specified in the "R-12" Residential District found in Division 8, Section 19-89 of the Ordinance.

- (a) Required lot area and width. Each primary structure, together with accessory structures, hereafter erected shall be located on a lot having an area of not less than 6,600 square feet and not more than 14,800 square feet and a width of not less than fifty five (55) feet.
- (b) Front yard. Minimum of twenty five (25) feet in depth. Minimum setbacks shall be increased where necessary to obtain the required lot width at the front building line.
- (c) Side yards. A minimum of five (5) feet each in width.
- (d) Corner side yard. Minimum of twenty (20) feet, except that a corner lot back-to-back with another corner lot shall have a corner yard not less than fifteen (15) feet.



06SN0157

Rez: A TO R-12  
w/C.U.P.D.

REFERENCE PROFFERED  
CONDITION 19

600 0 600 Feet

